

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

556D0707

SENATE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1272** - 2/17/00

Introduced by: Representatives Wilson, Fiegen, Haley, and Hennies and Senator Moore

1 FOR AN ACT ENTITLED, An Act to provide for periodic judicial review of status of children
2 in custody of the Department of Corrections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 26-7A be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Within thirty days after a child is committed to the Department of Corrections under this
7 chapter, or chapter 26-8B or 26-8C, and every ninety days thereafter while the child remains in
8 a correctional placement, the Department of Corrections shall file a written report with the court
9 which committed such child. This written report shall contain the following information:

10 (1) The results of any assessments of the child concerning the child's emotional, mental,
11 educational, psychological, psychiatric, medical, physical, or health status and needs;
12 and

13 (2) Information regarding the placement of the child within particular programs
14 administered by the Department of Corrections; and

15 (3) Progress of the child in programs administered by the Department of Corrections.

16 Section 2. That chapter 26-7A be amended by adding thereto a NEW SECTION to read as

1 follows:

2 Upon review of the information provided in section 1 of this Act, the court may, upon its
3 own motion, enter an order compelling the secretary of corrections to appear and show cause
4 why the court should not order the discharge of the child from the department, order the child
5 to be restored to the child's parents, guardian, or custodian, order the child to be placed under
6 the guardianship of another person appointed by the court and placed in a suitable family home,
7 or order an amended decree of disposition pursuant to § 26-8B-6 or 26-8C-7. At the hearing,
8 the court shall determine if the best interests of the child will be promoted by the child's discharge
9 from the department.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 197

3 1/25/00 Referred to State Affairs.

4 1/31/00 Scheduled for Committee hearing on this date.

5 1/31/00 State Affairs Do Pass, Passed, AYES 8, NAYS 5. H.J. 324

6 2/2/00 House of Representatives Deferred to another day. H.J. 370

7 2/3/00 House of Representatives Deferred to another day. H.J. 401

8 2/4/00 House of Representatives Do Pass, Passed, AYES 57, NAYS 7. H.J. 426

9 2/7/00 First read in Senate and referred to State Affairs. S.J. 343

10 2/16/00 Scheduled for Committee hearing on this date.

11 2/16/00 State Affairs Do Pass Amended, Passed, AYES 9, NAYS 0. S.J. 521